REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-4, 6, 10-20, 22-23, 25-28, 30, and 32 are pending in the application.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 14, 23, 30, and 32 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,872,914 to Walker, Jr. et al. (hereinafter, "Walker") and U.S. Patent No. 5,475,817 to Waldo et al. (hereinafter, "Waldo") and an article by Frolund et al., entitled "Design-Time Simulation of a Large-Scale, Distributed Object System" (hereinafter, "Frolund"). Applicant respectfully traverses these rejections.

While Applicant generally disagrees with the rejections, Applicant has amended independent claims 1, 14, 23, 30, and 32 to incorporate features of certain dependent claims in an effort to advance prosecution. As a result, the §102 rejections of these independent claims in view of Walker, Waldo, and Frolund are moot and Applicant respectfully requests withdrawal of these §102 rejections.

Claims 1-32 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,259,448 to McNally et al. (hereinafter, "McNally"). Applicant respectfully traverses this rejection.

While the Office indicates that all pending claims 1-32 are rejected in view of McNally, the Office fails to specify what aspects of the McNally reference read on the elements of independent claims 1, 14, 23, 30, and 32. Only independent claim 28 is addressed. Nevertheless, Applicant has endeavored to address the

rejection, but requests that if the rejection is maintained, that the Office particularly set forth how the McNally reference is being applied to these independent claims without making the next Action final.

Claim 1 is amended to incorporate the elements of claim 9 (now canceled). As such, claim 1 defines a method comprising:

> representing hardware and software resources of a distributed computer system as model components, wherein the model components are selected from a group comprising:
>
> a module that is representative of a behavior of the application that is implemented using the hardware and software resources;
>
> a port that is representative of a service access point for the module; and
>
> a wire that is representative of an allowable communication connection between two or more ports; and
>
> forming, from the model components, a logical scale-independent model of an application to be implemented by the distributed computer system.

McNally does not disclose this method. McNally is silent as to model components of a "module", a "port", and a "wire" as claimed.

In addressing claim 9, the Office argues:

> 4.9 As regards dependent Claims 9, 18 & 24 the *McNally et al.* reference teaches, *the Examiner notes that the claim language in this claim describes and is directed towards modeling an application on a server, like a database server, where the different communications links are modeled, the McNally et al.* teaches this (Figure 2, Col. 4 Lines 32-46).

(Office Action, page 5, paragraph 4.9)

As noted in this section, the Office points to column 4, lines 32-46 of McNally for support. This excerpt describes a gateway machine 16 that runs a server component 22 of a system management framework. The remaining portion of the excerpt is reproduced below:

> The server component 22 is a multi-threaded runtime process that comprises several components: an object request broker or "ORB" 21, an authorization service 23, object location service 25 and basic object adaptor or "BOA" 27. Server component 22 also includes an object library 29. Preferably, the ORB 21 runs continuously, separate from the operating system, and it communicates with both server and client processes through separate stubs and skeletons via an interprocess communication (IPC) facility 19. In particular, a secure remote procedure call (RPC) is used to invoke operations on remote objects. Gateway machine 16 also includes an operating system 15 and a threads mechanism 17.

Notice that this excerpt is merely describing a multi-threaded process with an object request broker, an authorization service, an object location service, and a

basic object adaptor. This excerpt has no discussion of model components used in forming logical, scale-independent models of applications, including specifically defined model components of a "module", "port", and "wire" as claimed.

For this reason, claim 1 is allowable over McNally, and the rejection thereto should be withdrawn.

Dependent claims 2-4, 6, and 10-13 are allowable by virtue of their dependency on claim 1. Moreover, these claims recite features that, when combined with those of claim 1, define methods not shown by McNally.

Claim 14 is amended to incorporate the features of claim 21 (now canceled). Claim 14 now recites:

> defining individual model components as abstract functional operations that are physically implemented by one or more computers and one or more software programs executing on the computers, the model components having an associated schema dictating how the functional operations are specified;
>
> interconnecting the model components to logically connect the functional operations; and
>
> generating a scale-independent application from the interconnected model components and the associated schema; and
>
> converting the scale-independent application into a blueprint that specifies the computers and the software programs used to physically implement the application.

This method is not disclosed in McNally. First, McNally fails to disclose "defining individual model components" with "the model components having an associated schema dictating how the functional operations are specified." The Office provides no reasoning for how McNally applies to the method of claim 14, nor this particular feature.

Second, McNally fails to show "converting the scale-independent application into a blueprint that specifies the computers and the software programs used to physically implement the application." In addressing claim 21 (now incorporated into claim 14), the Office argues:

> **4.12** As regards dependent **Claims 12, 21, 25, 27, 29 & 31** the *McNally et al.* reference teaches a *server data center* **(Col. 10 Lines 1-25).**

(Office Action, page 6, paragraph 4.12).

The cited excerpt in column 10, lines 1-25 of McNally describes how the resource model is deployed across a set of machines, with reference to Fig. 10. Nowhere in this excerpt is there any discussion of "converting the scale-independent application into a blueprint that specifies the computers and the software programs used to physically implement the application" as recited in claim 14.

For this reason, claim 14 is allowable over McNally, and the rejection thereto should be withdrawn.

Dependent claims 15-20 and 22 are allowable by virtue of their dependency on claim 14. Moreover, these claims recite features that, when combined with those of claim 14, define methods not shown by McNally.

Claim 23 is amended to incorporate the features of claim 24 (now canceled). Claim 23 now recites specific model components of a "module", "port", and "wire". For the reasons given above with respect to claim 1, these features are not shown by McNalley.

Dependent claims 25-27 are allowable by virtue of their dependency on claim 23. Moreover, these claims recite features that, when combined with those of claim 23, define methods not shown by McNally.

Claim 28 is amended to incorporate the features of claim 29 (now canceled). For the reasons given above with respect to claim 14, claim 28 is allowable over McNalley.

Claim 30 is amended to incorporate the features of claim 31 (now canceled). For the reasons given above with respect to claim 14, claim 30 is allowable over McNalley.

Claim 32 is amended to recite features similar to claims 29 and 31. For the reasons given above with respect to claim 14, claim 32 is allowable over McNalley.

Conclusion

Claims 1-4, 6, 10-20, 22-23, 25-28, 30, and 32 are in condition for allowance. Applicant respectfully requests prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, **the Examiner is requested to contact the undersigned attorney to resolve the issue**.

Respectfully Submitted,

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By: _____

Lewis C. Lee
Lee & Hayes, pllc
Reg. No. 34,656
(509) 324-9256 ext. 211